



STATE PROCUREMENT OFFICE
NOTICE OF REQUEST TO AMEND AN EXEMPTION
FROM HRS CHAPTER 103D CONTRACT

12 JUN 28 P1:54
STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer
FROM: Attorney General
Name of Requesting Department

Pursuant to HRS §103D-102(b)(4) and HAR section 3-120-5(d), the Department requests to amend an exempt contract as follows:

1. SPO-007, Exemption Reference (PE) Number: 09-121-D
2. Vendor/Contractor/Service Provider Name: Thomas Maloney, 1680 Pioneer Plaza, 900 Fort Street, Honolulu, HI 96813
3. Describe the goods, services, or construction: Legal services necessary to follow-up and complete work already begun under the contract to assure compliance with the Internal Revenue Code, including the completion of draft legislation, based on the Internal Revenue Services' recent determination that the ERS is a "qualified public pension plan."
4. Explain in detail what is being amended: Requesting approval pursuant to HAR § 3-122-3, to amend the contract by increasing the contract term by 6 months to complete work under the contract and to provide follow-up work made necessary by the IRS' ruling. The contract term is currently July 1, 2009 to June 30, 2012, and the request is to extend the term to December 31, 2012. Also requesting approval to increase the contract amount by \$50,000.00 to compensate the contractor for the necessary follow-up work. \$250,000 atk 6/29/12
5. Amended contract price for this request: \$increase to \$190,000 (total)
6. Explain in detail why the amendment(s) are necessary: See prior request for exemption. The IRS took longer than anticipated to issue its ruling on the status of the Employees' Retirement System as a qualified public pension plan and it took more effort to obtain the ruling than anticipated. Thus, Mr. Maloney was unable to begin preparing the necessary legislative proposals that were contemplated under his original contract, and the costs also increased. It is not practicable to hire new counsel at this time to prepare legislative proposals because, as the attorney who helped obtain the IRS determination, Mr. Maloney is intimately knowledgeable about Employees' Retirement System and the requirements of the IRS to maintain the ERS' status as a qualified public pension plan. It would be impracticable to hire someone to prepare the necessary legislative proposals to introduce at the 2013 legislative session.

7. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has 1) completed mandatory training and 2) who may be contacted for follow up inquiry, if any.

(Type over "example" and delete cells not used.)

Department Personnel Name	Division/Agency	Phone Number	Email address
David Moore <i>dk</i>	6/29/12		
Diane Erickson	Admin/Atty General	586-0618	Diane.Erickson@hawaii.gov
Diane S. Kishimoto	Admin/Atty General	586-0618	Diane.S.Kishimoto@hawaii.gov

All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
I certify that the information provided is to the best of my knowledge, true and correct.



Department Head Signature

JUN 28 2012

Date

For Chief Procurement Officer Use Only

Date Notice Posted: 6-28-12

Submit written objection to this notice to issue a sole source contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

Approval is granted to 12/31/12 and to increase the contract to \$250,000 for legal services. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply (i.e. vendor is required to be compliant on the Hawaii Compliance Express) and award is required to be posted on the Awards Reporting System.

If there are any questions, please contact Donn Tsuruda-Kashiwabara at 586-0565 or donna.tsuruda-kashiwabara@hawaii.gov.

☒ Approved ☐ Disapproved ☐ No Action Required

 7/5/2012
Chief Procurement Officer Date